

FARMINGTON CITY PLANNING COMMISSION

Thursday, September 25, 2003

PLANNING COMMISSION REGULAR SESSION

Present: Vice-Chairman Sid Young, Cindy Roybal, Jim Talbot, Jordan White, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Chairman Kent Forsgren and Commission Member Cory Ritz were excused. Bart Hill arrived later in the meeting.

Vice-Chairman Young called the meeting to order at 7:10 P.M. Jim Talbot offered the invocation.

APPROVAL OF MINUTES

Jim Talbot moved that the minutes of the September 11, 2003, Planning Commission Meeting be approved as corrected. **Jordan White** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: KIRT M. AND DENISE W. GARRETT REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT AN ATTACHED GARAGE EVEN WITH THE FRONT SETBACK OF A SINGLE FAMILY HOME LOCATED AT 135 EAST 100 NORTH IN THE OTR ZONE (C-13-03) (Agenda Item #2)

Background Information

Recently adopted OTR provisions require that attached garages which are flush or even with the front face of the home must receive conditional use approval from the Planning Commission (See Section 11-17-050 of the Farmington City Zoning Ordinance). Additionally, all structures requiring a building permit must meet the new construction design guidelines as set forth in Section 11-17-070 of the Farmington City Zoning Ordinance. The Planning Department and/or Planning Commission may request a recommendation from the Farmington City Historic Preservation Commission regarding applications for permitted or conditional uses. It appears that the Garrett's single family dwelling proposal meets setback and/or orientation mass and scale building height, building and roof form and color standards contained in the ordinance.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. Notices of the public hearing had been sent to neighbors within 300 feet of the property. The property in question is located within the OTR zone. The Board of Adjustment had recently met on a similar request to appeal a denial for a building permit. Mr. Petersen noted the location of the property and proximity of historical homes and other buildings. He stated the request would fit with the historical homes in the neighborhood.

Public Hearing

Vice-Chairman Young opened the meeting to a public hearing and invited the applicant to address the Commission.

Kirt Garrett (1188 North 1100 West) stated the placement of the garage had been the only problem with the building permit process. He and his wife had made changes to the house plans in order to comply with the City's OTR ordinance. Originally, the garage had protruded beyond the front setback of the house. It is now flush with the front of the home. Mr. Garrett stated that he wanted to comply with City restrictions and that the only use for the garage would be for vehicles and some storage.

Rick Anderson (45 East 300 North) stated that when the original OTR had been adopted it permitted garages flush with the front plane of the house. It wasn't until the last amendment to the OTR that the flush garages had been changed to conditional use. He had no objections to the request and said he would like to speak in favor of the Garrett family site plan.

Mr. Petersen said that the Garrett plans originally called for the garage to be 12 feet in front of the front plane of the house. Because of the work load in the Planning Department, it had taken longer to notify the Garretts of the problem. However, they were willing and gracious in their response to the problem and at some expense changed the house plans to comply with City ordinances.

Public Hearing Closed

With no further comments, **Vice-Chairman Young** closed the public hearing. The Commission members discussed the issues, including the following points:

- ▮ Mr. Petersen reviewed options for garage placement, which ones were not permitted, which were permitted, and which were conditional use.
- ▮ Garage placement was one of the design elements that had been considered during OTR review which was felt important in keeping the original townsite preserved.
- ▮ The Commission members thanked the Garrett family for their willingness to comply with City ordinances.

Motion

Jordan White moved that the Planning Commission grant conditional use and site plan approval to construct an attached garage even with the front setback of a single family home located at 135 East 100 North as proposed, subject to all applicable Farmington City Ordinances and development standards. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Findings

- The redesign of the site plan with the garage even with the front setback of the single family home was compliant with conditional use guidelines in the design standards of the OTR.
- The issue was one of equity and treating all citizens with similar requests the same.
- The Garrett family had demonstrated a willingness to comply with City ordinances and requests.

PUBLIC HEARING: FARMINGTON CITY REQUEST FOR A RECOMMENDATION TO CITY COUNCIL TO AMEND THE ZONING ORDINANCE REGARDING ENFORCEMENT AUTHORITY OF CITY OFFICIALS FOR CODE VIOLATIONS (ZT-8-03) (Agenda Item #3)

Background Information

For a number of years Ralph Gibbons has been the Weed Abatement Officer for Farmington City. Over the last year or two he has also performed numerous zoning enforcement tasks for the Zoning Administrator. These include: taking pictures of sites and preparing notices for the Zoning Administrator's signature. He does not have the authority to sign notices and, therefore, the one-on-one dialog between one who is in violation of the Zoning Ordinance and the City is conducted entirely with the Zoning Administrator. This can be very time consuming and therefore it is recommended that some of this authority be delegated to Mr. Gibbons.

The City Attorney, in the letter dated July 19, 2001, also discusses the cleaning of construction sites. This issue will be proposed by the City through another ordinance change recommendation in the future.

END OF PACKET MATERIALS.

Mr. Petersen explained the need for the ordinance amendment. It was a matter of helping City Staff become more efficient in the execution of their duties. It would also help citizens with complaints to gain a more timely resolution.

Public Hearing

Vice-Chairman Young opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Vice-Chairman Young** closed the public hearing. The Commission members discussed the issues, including the following points:

- ▮ A brief discussion was held regarding what would be included in the duties of the designated person to help with zoning enforcement tasks.
- ▮ Mr. Petersen reviewed the City's usual policies regarding how citizen complaints are handled, the leniency period given to correct problems, and the enforcement used to compel compliance.
- ▮ The Commission members stated they would like to ensure a check and balance system for enforcement.

Motion

Jim Talbot moved that the Planning Commission recommend to the City Council that they amend the Zoning Ordinance regarding enforcement authority of City officials for code violations as presented. **Jordan White** seconded the motion, which passed by unanimous vote.

Findings

1. The motion made sense when considering the work load now being experienced especially by the Planning Department of the City.
2. Most municipalities the size of Farmington have more than one inspection and enforcement agent.

PUBLIC HEARING: HARV JEPPSON REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO AMEND THE ZONING ORDINANCE TO ALLOW "BED AND BREAKFAST/INN" AS A CONDITIONAL USE IN RESIDENTIAL ZONES (ZT-3-03) (Agenda Item #4)

Mr. Petersen requested the agenda item be tabled to allow both the Planning Department and the applicant more time to prepare the presentation.

Public Hearing

Vice-Chairman Young opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Vice-Chairman Young** closed the public hearing.

Mr. Talbot asked for clarification on the agenda item.

Mr. Petersen stated that when presented, the agenda item would ask the Planning Commission to consider adding the "Bed and Breakfast/Inn" option to the City Ordinances as a conditional use in specific residential areas. There will likely be two alternatives for the "Bed

and Breakfast/Inn” concept: 1) a multi-building concept, and 2) a single building concept. There would be no consideration of a specific business or location request for this specific agenda item.

Motion

Jim Talbot moved that the Planning Commission table Agenda Item #4. **Cindy Roybal** seconded the motion which passed by unanimous vote.

Findings

The motion was made to allow sufficient time for the applicant to complete preparation.

PUBLIC HEARING: BRUCE B. AND CONNIE H. MCFARLAND REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO ANNEX 1.09 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1507 NORTH 1500 WEST (A-2-03) (Agenda Item #5)

Background Information

Three or four homes now exist in the unincorporated area between Farmington and Kaysville north of the Oakridge Farms Subdivision and west of 1500 West Street. They receive access to 1500 West Street via a private dirt road. All of the property owners receive Farmington City culinary water through an existing private line. The first single family home off the private dirt road is owned by the applicants, Bruce and Connie McFarland. They desire to annex into our City for the purposes of building a garage over a private access easement. The County will not issue a building permit to the applicant because of the easement situation. Meanwhile, we have been counseled by our City Attorney that it is okay as long as the easement is private. Based on this information, the McFarlands desire to annex into Farmington City.

The property is now zoned “A-1” in the County. The McFarlands are not asking for a rezone at this time. One of the annexation policies contained in the Farmington General Plan states:

“As property is annexed into the City, it should be classified with a zoning designation “A” unless the owners request another zoning designation.”

The “A” (Agriculture) designation is compatible with the County’s zone designation “A-1.”

END OF PACKET MATERIALS.

Mr. Petersen stated notices of the public hearing had been sent to neighbors within 300 feet of the property in question. He reviewed the background information and explained where the property was and why the access road was such an unusual situation. The County had reviewed the request but had denied the application because the access was a private easement. Mr. Petersen stated that the Farmington City Attorney had reviewed the application and felt

approval would be acceptable if the City was not involved in the private easement situation.

Public Hearing

Vice-Chairman Young opened the meeting to a public hearing. It was noted that the applicant was not present. However, the Planning Commission decided to go forth with the agenda item and if the applicant arrived at the meeting, the issue could be reopened.

Public Hearing Closed

With no forthcoming comments, **Vice-Chairman Young** closed the public hearing. The Commission members discussed the issues, including the following points:

- ▮ The Planning Commission wanted to have a clarification regarding the City Attorney's opinion.
- ▮ One neighbor had refused to give permission for use of the private easement as access. No reasons had been given.
- ▮ In light of the fact that the County had denied the request, the Planning Commission asked that there be more research done, specifically regarding the private easement and what impact approval could have on the City at some future point.
- ▮ Placement of the requested garage was not totally clear.

Motion

Jordan White moved that the Planning Commission table Agenda Item #5 to give the City Planner adequate time to review the issues in detail with the City Attorney and to obtain more information regarding the easement, access, and the proposed garage placement. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Findings

The motion was made in order to resolve questions regarding the easement and the City Attorney's opinion.

HAWKINS GROUP DEVELOPMENT PROPOSAL (Agenda Item #6)

Mr. Petersen introduced the agenda item and stated that the proposal was for discussion only. The developer wanted to have feedback from the Planning Commission regarding the planned subdivision in northern Farmington. Mr. Petersen showed on the aerial map of the City where the proposed subdivision was located. It was just northeast of Somerset Farms, generally east of Ramsgate Road. There were 50 lots proposed. Mr. Petersen discussed access and said that

the Fire Chief had been consulted. Chief Gregory condoned the use of a crash gate at a secondary access for use by emergency vehicles. It had been proposed that the crash gate be locked to all but emergency vehicles in order to control the flow of traffic away from existing residential areas. Lot sizes in the proposed development were larger than those in Somerset but smaller than those in Summerwood.

Mike Flood (representing Hawkins Group) made the following points:

- ▮ The property was currently within the boundaries of Fruit Heights. However, after meetings with both cities, it had been determined that it would be more logical to make a boundary change and include the area in Farmington City.
- ▮ The developer had met with the Fire Chief. The Fire Chief was in favor of the crash gate. However, he did not want the emergency access paved because doing so would invite citizens to park along the access.
- ▮ Mr. Flood suggested the access area be made a walking path with crash gates at both ends.
- ▮ A large portion of the property was owned by the County, who were interested in putting the land up for surplus sale.
- ▮ The lot sizes of the Somerset area probably had something to do with the deterioration of the area. The new subdivision would include larger lots than those in Somerset.
- ▮ Another problem with the Somerset area was the undedicated roads that were not built to City standards. The HOA of Somerset eventually had to ask the City to maintain the roads, which has caused the City problems.

[Bart Hill arrived at 8:20 P.M.]

- ▮ Mr. Flood stated that the new subdivision would include roads built to City standards. While the subdivision would be planned as a PUD, all roads would be dedicated to the City.
- ▮ The developer wanted to have the land brought into the City as an LR zone.
- ▮ The new subdivision would not impact the Evans Way issues which had caused neighbors in nearby areas a great deal of concern.

Mr. Talbot said that he had substantial concerns regarding the development, especially because he knew the feelings of neighbors in the area. The Somerset neighborhood had been a viable development when it was first built, but now was declining. The neighbors see the subdivision as an additional encumbrance to the density and traffic problems of the area. They

also see it as a springboard to more dense development to the north. Mr. Talbot also felt there needed to be much better access to the subdivision than what had been presented. The conservation area proposed by the developer was undevelopable ground and therefore not legitimate open space. The trail going through the area will likely get a lot of use and needs to be carefully considered. Traffic problems mentioned are a small part of the flow problems being experienced by the area. Adding another subdivision without careful planning and consulting with a traffic engineer would be unwise.

Mr. Flood stated that the proposed subdivision was planned to be a medium range of lot size and home plans. It would be similar to those built in the Creekside Subdivision. Residents of Creekside very much enjoy their community and the trail access found there.

Ms. Roybal stated that the open space in any subdivision needs to be planned for the access and enjoyment of the citizens of the community. Placing open space in areas without access and without thought of benefitting both visually and use wise is not making the best use of the property. Ms. Roybal noted the current plan looked as if the open space provided had been placed where it was most convenient for the developer and not for the citizens.

Mr. Flood contended that the City Manager had requested a trail head on the property designated as open space on the current design. The developer had tried to accommodate the City Manager. He also stated that according to Randal Arendt, a land use designer once consulted by the City, it was best to preserve corridors near stream beds and in pristine areas. That was what the design tried to do.

Vice-Chairman Young noted that there would be a 1000 foot dead end road problem with the current design. He also noted problems with the traffic flow and that according to previous reaction to other plans in the area, the neighbors would have many concerns about the proposed subdivision.

Mr. White requested information regarding the advantages and disadvantages of the boundary change versus the annexation process.

Mr. Petersen stated that the boundary line adjustment would be the best for both cities and would be the least complicated process. He also stated that because of utility hook ups and the topography of the area, it was the logical move to have the area part of Farmington City. He suggested that the developer take his plans to some of the neighbors in the area who would have an interest. The Ronnie Bullard development would be impacted by the new subdivision. Mr. Bullard may have suggestions. Mr. Petersen also noted that any development on the property would be contingent on the County sale of the property.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen stated that the economic study had been completed by Tom Wooten and would be presented at a joint Planning Commission/City Council meeting to be held on October 22, 2003. He invited all members of the Planning Commission to be present.

The City Council had considered the request by Cowboy Partners for a luxury apartment complex located at Burke Lane east of U.S. 89. Mr. Haugen, member of the City Council, excused himself from discussion and voting because of a possible conflict of interest. When a vote was taken, it was split, which necessitated the Mayor to cast the deciding vote. The request was denied.

The City Council also considered removal of a barrier across 900 North Street between “The Estates at Shepard Creek” and “Oakridge Country Club Estates, Phase II.” After a public hearing, discussion by the Council, and consideration of the change in the needs of the local residents, it was decided to remove the barrier.

ADJOURNMENT

Cindy Roybal moved to adjourn at 8:55 P.M. **Jim Talbot** seconded the motion, which passed by unanimous vote.

Sid Young, Vice-Chairman
Farmington City Planning Commission